

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:
SANDRA SOVINSKI
MYERS & KAPLAN
INTELLECTUAL PROPERTY LAW LLC
1899 POWERS FERRY ROAD, SUITE 310
ATLANTA, GA 30339

Date of mailing
(day/month/year) **03 AUG 2004**

Applicant's or agent's file reference

FOR FURTHER ACTION

See paragraph 2 below

21770-PCT

International application No.

International filing date (day/month/year)

Priority date (day/month/year)

PCT/US04/11194

12 April 2004 (12.04.2004)

12 April 2003 (12.04.2003)

International Patent Classification (IPC) or both national classification and IPC

IPC(7): E05F 3/00 and US Cl.: 16/49

Applicant

DAVIS, JONATHAN

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/ US

Mail Stop PCT, Attn: ISA/US
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Facsimile No. (703)305-3230

Authorized officer

Randolph Reese

Telephone No. 703-308-1113

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US04/11194

Box No. I Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).

2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:

a. type of material

☐ a sequence listing

☐ table(s) related to the sequence listing

b. format of material

☐ in written format

☐ in computer readable form

c. time of filing/furnishing

☐ contained in international application as filed.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority for the purposes of search.

3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.

4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US04/11194

Box No. V Reasoned statement under Rule 43 bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>6, 8, 10, 11</u>	YES
	Claims <u>1-5, 7, 9, 12-15</u>	NO
Inventive step (IS)	Claims <u>6, 8, 10, 11</u>	YES
	Claims <u>1-5, 7, 9, 12-15</u>	NO
Industrial applicability (IA)	Claims <u>1-15</u>	YES
	Claims <u>NONE</u>	NO

2. Citations and explanations:

Claims 1-5, 7, 9, 12-15 lack novelty under PCT Article 33(2) as being anticipated by LOSENNO (US Patent 3,966,245).

The claimed invention is disclosed, including at least one door bump 20; and means for mounting said at least one door bump on a surface, wherein said at least one door bump extends at a non-perpendicular angle from the surface (see Figure 3). As best understood, the means for mounting the door bump is a non-perpendicularly angled distal end. The means for mounting is an angled block 14. Means for adjusting the angular position of the door bump relative to the surface by way of a frictional pivot is provided. A connector plate 12 is provided. Channels are provided to receive securing means 56 and 34, as claimed. The claimed method is inherent to the design.

Claims 6, 8, 10, 11 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest the claimed invention.

Claims 1-15 meet the criteria set out in PCT Article 33(4), and thus meet industrial applicability because the subject matter claimed can be made or used in industry.

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.

PCT/US04/11194

Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the questions whether the claims are fully supported by the description, are made:

The drawings are objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 7 because:

The drawings must show every feature of the invention specified in the claims. Therefore, the plurality of mated wheels with toothed faces of claim 6 must be shown or the feature(s) cancelled from the claim(s).

Claims 1-12 objected to under PCT Rule 66.2(a)(v) as lacking clarity under PCT Article 6 because claims 1-12 are indefinite for the following reason(s):

In claim 1, it is not clear if the means for mounting has to included an angled mounting on the surface since part of the functional portion of the means plus function limitation includes a functional 'wherein' clause. It is suggested that ", wherein said at least one door bump extends" is deleted to correct ambiguity.

In claim 2, is unclear how a non-perpendicularly angled distal end of the door bump is a means for mounting the door bump. Perhaps the claimed language should state -means for mounting includes a non-perpendicularly angled distal end--.

In claim 4, there is a lack of antecedent basis for "said angled block."

In claims 5 and 6, there is a lack of antecedent basis for "means for adjusting the angular position..."

In claim 11, there is a lack of antecedent basis for "said at least one channel."